REMARKS/ARGUMENTS

Claims 14-22, 25 and 26 are pending.

All previously pending claims were rejected under Section 112 because the phrases "authenticating" or "authenticating information" were thought to be unclear in light of comments made in applicant's Amendment dated July 11, 2002. The Office Action continues and states that "authenticating" was considered to mean --the information on the carrier/container that is visible, detectable by the human eye, and distinctive to the human viewer--. The meaning of "authentication" is well described in the paragraph 05 on page 2 of the Substitute Specification. It states in relevant parts:

> The provision of the information that can be detected by the human eye ... [and] the reading and evaluating device for this information on the item of equipment makes it possible for the equipment to inspect, preferably likewise visually, whether the information provided on the data carrier portion coincides with a prescribed item of information stored in the equipment, so that operation of an item of equipment is made possible only if they coincide. This *authentication* function of the system according to the invention is supplemented by the detectability of information by the human eye .... Consequently, the user can initially check with his own eyes whether the accessories or auxiliary or operating substances are products authorized by the manufacturer. (italics added)

This paragraph of the specification describes that authentication is attained when visual information associated with the substance (e.g. applied to a container thereof) coincides with stored information concerning the substance. In this paragraph, and elsewhere throughout the application, the words "authenticating" or "authentication" are used in the common sense of the word, namely to verify that something is genuine, which also conforms to the dictionary definition for the term.

Nevertheless, applicant has rewritten the independent claims and deleted the word "authenticating" from the claims, except that it was retained in the preamble of new independent claim 25. The word no longer appears in the substantive portions of the claims, which are directed to the principal features of the method and apparatus of the present invention. Thus, instead of reciting "authenticating information", new independent claim 25 requires in relevant

parts "an evaluating device for comparing read second information with the authorizing information stored in the memory, the evaluating device enabling the operation of the item of equipment when the read second information coincides with the stored authorizing information by generating an enabling signal permitting operation of the item of equipment ...." Similarly, method claim 26 requires in relevant parts "comparing the read second information of the second region with the stored information sample, generating a signal when the read second information coincides with the stored information sample which permits operation of the item of equipment, and ...."

The partial rewording of the claims was done for purposes of clarification unrelated to patentability concerns.

In view of the foregoing, retraction of the Section 112 rejection is requested.

The previously pending independent claims were substantively rejected for obviousness over Moed (5,770,841) because the destination marking data on package 38 of Moed "is compared with the stored data to evaluate whether it coincides with the stored data. Furthermore, due to the fact that an information on the package that is visible and detectable by the human eye and is distinctive to the human viewer qualifies as authenticating information ..., it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to recognize that the destination marking data on the package is an authenticating information, which is visible, detectable by the human eye and is distinctive to the human viewer to clearly identify, distinctively recognize the package information." (Office Action, paragraph bridging pages 4 and 5 thereof).

In the Moed reference, the address on a letter or a parcel is information that can be detected by the human eye and is distinctive to the human viewer. The address is scanned, processed and compared with an address in the U.S. Postal Service's ZIP + 4 database. If this comparison uncovers an error in the address written onto the letter or the package, adequate corrections can be made (Moed, column 9, lines 29-37). The decoded bar code and the written address data on the package are then combined to form a unified package record which is used to sort and track the package (column 10, lines 19-24).

In contrast to Moed, and as is recited in the independent claims 25 and 26, the substance in question (or its container) includes identifying information, referred to as "first information" in the claims. This is product dependent information, such as technical data concerning the product. The "second information", as the term is used in the claims, is manufacture dependent information, such as a trademark, which can be the same for many or all products, as is discussed in paragraph 07 of the Substitute Specification. The second information "can be detected by a human eye and is distinctive to a human viewer" (claim 25, method claim 26 using virtually identical language but employing method terminology).

The present invention provides that information corresponding to the second (visible) information is stored in a memory and includes "an evaluating device comparing read second information with the authorizing information stored in the memory, the evaluating device enabling the operation of the item of equipment when the read second information coincides with the stored authorizing information by generating an enabling signal permitting operation of the item of equipment, and not enabling the operation of the item of equipment when the read second information does not coincide with the stored authorizing information". (Claim 25). Method claim 26 is similarly limited and requires amongst others "comparing the read second information of the second region with the stored information sample, generating a signal when the read second information coincides with the stored information sample which permits operation of the item of equipment, and preventing the operation of the item of equipment when the read second information does not coincide with the stored information sample".

In other words, the substance subject to control carries information which can be viewed and interpreted by the human eye and checks this information against corresponding information stored in memory. If the two coincide, that is, are the same, the equipment subject to control is permitted to operate. If, however, there is a discrepancy between the read and stored information, the operation of the equipment under control is interrupted.

This arrangement provides the present invention with the distinct advantage of not only being able to detect the nature of the substance (from the machine-readable first information), it also performs a check to make certain the substance is genuine, that is, originates from a source which assures that the genuine product, and not some unauthorized substitute, is being processed. In this manner, possible equipment failures and/or product deficiencies (for

example due to an impure substance) can be avoided. Trademarks are presently preferred candidates for the "second information" to check the genuineness of the substance being handled, although other indicia can of course be used. Thus, even if the substance is the correct substance (meaning, for example, having the desired chemical composition), the item of equipment, e.g. machine, is disabled if the decoded second information does not coincide with the corresponding information stored in memory. Potential machine failures and/or product deficiencies are thereby eliminated.

Moreover, by making the second information visible to the human eye, the machine operator can detect a non-genuine substance early on by simply glancing at the readily discernible second information, e.g. a trademark, thereby adding a further layer of safety to the system and method of the present invention.

Moed neither discloses nor suggests a control system for machinery which disables the machinery when a non-genuine substance is detected. The detection is enhanced by using readily visible information, such as a trademark, for performing the authentication of the substance. Thus, if the machine operator detects the wrong trademark on the substance, for example, he can simply remove the substance from the machine, or temporarily deactivate the machine, thereby providing a first line of defense. If the machine operator should overlook the fact that the substance has the wrong trademark, the control system of the present invention detects the discrepancy between the visible mark and the corresponding stored information and generates a machine deactivation signal. In either event, the machine is protected against malfunction, and/or the production of defective products is prevented. In Moed, the visible address itself is meaningless and, therefore, cannot be used by the operator to detect substances which should be rejected. For this reason alone, Moed does not render the present invention as defined by claims 25 and 26 obvious.

Moreover, the comparison of the visible (second) information and the stored information is used by the present invention to deactivate a machine. In Moed, any discrepancy that is detected is used to make a correction to the visible information, i.e. the written address on the package. There is no suggestion or hint anywhere in Moed to use the discrepancy between visible indicia on the package or substance and corresponding information stored in memory to deactivate a machine and thereby prevent the processing of undesirable substances. For this

further reason, the present invention, as defined by independent claims 25 and 26, is not obvious over Moed.

In view of the foregoing, applicant submits that independent claims 25 and 26 are allowable.

Dependent claims 14-22 are directed to specific features of the present invention not disclosed in the prior art. Moreover, these claims now depend from an allowable parent claim. Accordingly, subclaims 14-22 are also allowable.

In this context, applicant notes that claim 22 was rejected for obviousness over Moed in view of Kubo (5,422,470). Since Kubo does not disclose or suggest what is missing from Moed, and since claim 22 indirectly depends from allowable claim 15, claim 22 is also not obvious.

In view thereof, it is submitted that all pending claims 14-22, 25 and 26 are allowable, and the issuance of a formal Notice of Allowance at an early date is requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

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